

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARKUS TATUM,

Plaintiff,

No. CIV S-02-2597 FCD KJM P

vs.

T.L. ROSARIO, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has requested that this action be dismissed without prejudice. Defendants have not filed an objection to plaintiff's request.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff remaining claims against defendants Rosario, Alameida and Pliler are dismissed without prejudice; and

2. This case is closed.

DATED: December 1, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge